

OCT 21 2014

AT 9:30 _____ M
WILLIAM T WALSH CLERK

FEDERATION OF STATE MASSAGE
THERAPY BOARDS,

Plaintiff,

v.

ACADEMY OF ORIENTAL THERAPY,
HELEN ZHAO, LIANG SUN AND YUAN
SHI

Defendants.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No. 3:13-cv-06317 (AET/LHG)

**CONSENT PERMANENT INJUNCTION
ORDER**

This matter having come before the Court upon the joint application of Plaintiff Federation of State Massage Therapy Boards ("FSMTB") and Defendants Academy of Oriental Therapy LLC, Helen Zhao, Liang Sun, and Yuan Shi (collectively, "Defendants"), requesting that the Court enter a Consent Permanent Injunction Order as to the Defendants; and FSMTB and Defendants having settled on terms agreeable to all parties, without any admission of liability or wrongdoing by Defendants, and FSMTB and Defendants having further agreed upon the terms of a Consent Permanent Injunction Order, and good cause having been shown,

IT IS on this ~~20~~²¹ day of October, 2014 ORDERED that Defendants, and each of them, together with their officers, directors, agents, employees, and all others acting in privity, concert or participation with them or on their behalf who have received actual notice of this Order, are permanently enjoined from, directly or indirectly:

1. Creating, reproducing, copying, distributing, offering for sale, selling and/or publicly displaying any materials of any kind and in any medium that infringe any of Plaintiffs copyrights or misappropriate any of Plaintiffs trade secrets relating to the Massage & Bodywork Licensing Examination ("MBLEX"), or that constitute derivative works based upon FSMTB's copyrights;

2. Representing to any person or entity that Defendants have the right, including but not limited to a license and/or assignment from the FSMTB, to reproduce, distribute, market, sell, transfer or publicly display any of the FSMTB's copyrighted MBLEx questions, or create any derivative works based on the FSMTB's copyrighted MBLEx questions, unless such right is acquired lawfully from the FSMTB;
3. Soliciting, requesting, harvesting or otherwise collecting or obtaining from any individual or entity (including, but not limited to, current or former AOT students) any non-public, confidential, questions, answer choices, or answers, appearing on the MBLEx, and/or any non-public, confidential information concerning the contents of the MBLEx;
4. Conspiring with any other person or entity to commit any of the above prohibited acts; and
5. Attempting, causing or assisting any of the above-described acts.

It is further ORDERED that the Clerk of Court shall refund to FSMTB the funds deposited by FSMTB as security for the temporary restraining order and preliminary injunction previously entered in this matter. This matter shall be administratively terminated with prejudice. This Court shall retain jurisdiction over this matter and the parties for the purpose of enforcing this Consent Permanent Injunction Order and any other terms of the settlement.


UNITED STATES DISTRICT JUDGE

THE BELOW PARTIES AGREE TO THE
FORM AND ENTRY OF THE FOREGOING
ORDER:

FEDERATION OF STATE MASSAGE
THERAPY BOARDS

By: [Signature]

Title: Executive Director

Date: 8-15-2014

ACADEMY OF ORIENTAL THERAPY LLC

By: [Signature]

Title: Member

Date: 8/13/2014

[Signature] 8/13/2014
HELEN ZHAO * Date

[Signature] 8/13/2014
LIANG SUN Date

[Signature] 8/13/2014
YUAN SHI Date

<p><u>Robert E. Bartkus / jas</u> Robert E. Bartkus DILLON, BITAR & LUTHER, L.L.C. 200 Park Ave., Suite 301 Florham Park, NJ 07932 (973) 539-3100 rbartkus@dbl-law.com</p> <p>Attorneys for Plaintiff</p>	<p><u>[Signature]</u> Lionel J. Frank SZAFERMAN, LAKIND, BLUMSTEIN & BLADER, P.C. 101 Grovers Mill Road, Suite 200 Lawrenceville, NJ 08648 (609) 275-0400 lfrank@szaferman.com</p> <p>Attorneys for Defendants</p>
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October 16, 2014

Via: Facsimile & Regular Mail

The Hon. Anne E. Thompson, U.S.D.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 E. State Street, Room 4000
Trenton, New Jersey 08608

**Re: Federation of State Massage Therapy Boards v. Academy of Oriental
Therapy LLC, Helen Zhao, Liang Sun and Yuan Shi
Civil Action No. 3:13-cv-06317 (AET) (LHG)**

Dear Judge Thompson:

Subsequent to the telephonic status conference with Your Honor on October 15, 2014, counsel for the parties conferred and agreed to submit the form of order attached hereto for your consideration and execution. Attached to the form of order is a copy of the signature page executed by the parties and their counsel, the original of which was attached to the initial proposed form of order submitted to Magistrate Judge Goodman with my August 18, 2014 letter to her.

The attached form of order includes the phrase "without any admission of liability or wrongdoing by Defendants" in the fifth and six lines of the first paragraph, and the last paragraph of the order provides that the case be administratively terminated "with prejudice."

Should Your Honor have any questions with regard to this matter, counsel for the parties would be please to address them.

Respectfully submitted,

SZAFERMAN, LAKIND,
BLUMSTEIN & BLADER, P.C.

By: 

LIONEL J. FRANK, ESQ.

LJF/phk

cc: Robert E. Bartkus, Esq.
Jennifer Ancona Semko, Esq.

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